

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In the Matter of the Application of

TRUMP VILLAGE SECTION 4, INC.

Petitioner,

For a judgment to stay the arbitration  
commenced by

LOCAL 804 INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS

**AFFIDAVIT OF  
IGOR OBERMAN IN  
SUPPORT OF  
VERIFIED PETITION TO  
STAY ARBITRATION**

Civil Action No.

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Respondents.

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STATE OF NEW YORK      )  
                                  )ss.  
COUNTY OF KINGS      )

**IGOR OBERMAN**, being duly sworn deposes and says:

1. I am the General Manager and Assistant Secretary of the Board of Directors for Trump Village Section 4, Inc., Petitioner in the above-captioned action (“Trump Village” or “Petitioner”). I am fully familiar with the facts and exhibits set forth in this affidavit.
2. I submit this affidavit in support of the Verified Petition to Stay Arbitration and to present the Court with documents and exhibits pertinent to this proceeding.
3. Attached as **Exhibit A** is a true and accurate copy of the collective bargaining agreement (the “CBA”) between Trump Village and Local 804 International Brotherhood of Teamsters (“Local 804” or the “Union”).
4. Attached as **Exhibit B** is a true and accurate copy of a unfair labor practice charge No. 29-CA-285394, filed by the Union with the National Labor Relations Board (“NLRB”) on October 29, 2021 (the “October ULP”).

5. The NLRB issued a Complaint and Notice of Hearing for the October ULP, a true and correct copy of which is attached as **Exhibit C**.

6. A NLRB hearing to adjudicate the October ULP is scheduled for August 2, 2022.

7. On January 3, 2022, Trump Village suspended employee Wayne Walker, a Handyman, for failing to “clock in” for his shift in violation of Trump Village’s timekeeping procedures.

8. As a Handyman, Mr. Walker was a member of Local 804 and subject to the terms of the CBA.

9. Local 804 grieved Mr. Walker’s suspension (the “Suspension Grievance”).

10. Attached as **Exhibit D** is a true and correct copy of the unfair labor practice charge, No. 29-CA-290599, filed by Local 804 with the NLRB on February 14, 2022 (“February ULP”).

11. On February 4, 2022, the Union requested arbitration regarding Mr. Walker’s suspension. Attached as **Exhibit E** is a true and correct copy of the Union’s request for arbitration, and Trump Village’s response.

12. On March 7, 2022, Mr. Walker again failed to follow the Company’s timekeeping procedures, and his employment was terminated.

13. Attached as **Exhibit F** is a true and correct copy of the unfair labor practice charge, No. 29-CA-293803, filed by the Union with the NLRB on March 29, 2022 (March ULP”).

14. On May 3, 2022, in a Pre-Hearing Conference prior to the arbitration of the Suspension Grievance, Trump Village informed the assigned arbitrator, Robert Hertzog, that it

would not participate in the arbitration since the Union had filed a ULP with the NLRB regarding expiration of the CBA.

15. Attached as **Exhibit G** is a true and correct copy of the Pre-Hearing Interim Decision issued by Arbitrator Hertzog on May 4, 2022, finding that the case was arbitrable and should proceed.

16. Attached as **Exhibit H** is a true and correct copy of a Request for Information from the NLRB to Trump Village with regard to the February ULP and March ULP.

17. The arbitration of the Suspension Grievance was held on May 23, 2022. Trump Village did not appear or participate in that arbitration.

18. On May 26, 2022, Arbitrator Hertzog issued a default arbitration award in favor of the Union. Attached as **Exhibit I** is a true and correct copy of the Default Arbitration award.

19. The Union has also grieved the termination of Mr. Walker's employment (the "Termination Grievance"). Trump Village did not participate in the grievance process due to the upcoming adjudication of October ULP before the NLRB.

20. On May 20, 2022, the Union filed an unfair labor practice charge, No. 29-CA-296138, regarding Trump Village's alleged failure to bargain in good faith as well its alleged denial of access to company premises to Union officials. Attached as **Exhibit J** is a true and correct copy of an May 20, 2022 unfair labor practice charge.

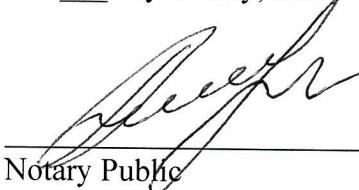
21. On May 31, 2022, the Union amended the March ULP. Attached as **Exhibit K** is a true and correct copy of the amended unfair labor practice charge.

22. On June 28, 2022, Arbitrator Hertzog emailed the Union and Trump Village scheduling arbitration of the Termination Grievance for July 5, 2022. Attached as **Exhibit L** is a copy of the notice scheduling the hearing.

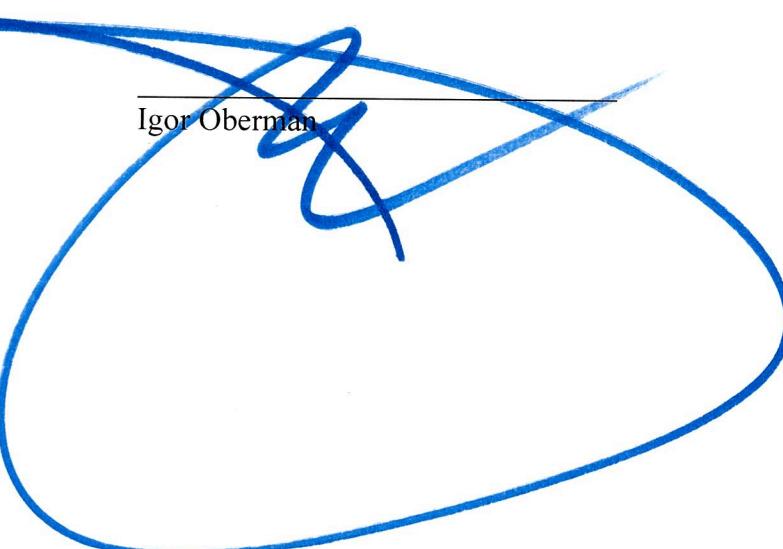
23. Trump Village advised Arbitrator Hertzog that it was not available to participate in the hearing on July 5, 2022.

24. For the reasons stated above and in the Verified Petition to Stay Arbitration and accompanying Memorandum of Law in Support of Verified Petition to Stay Arbitration, Trump Village's Verified Petition to Stay Arbitration should be granted in its entirety.

Sworn to before me  
this 5<sup>th</sup> day of July, 2022

  
Notary Public

MARIYA ALFIAROVICH  
Notary Public, State of New York  
No. 01AL6339515  
Qualified in Kings County  
Commission Expires April 4, 2024

  
Igor Oberman